



# Department of Justice

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February 16, 1993

**SUMMARY OF ANTITRUST ENFORCEMENT ACTIONS  
FOR PUBLIC RELEASE  
FOR MONDAY, FEB. 8, 1993 THROUGH FRIDAY, FEB. 12, 1993**

2/10/93      U.S. v. Kenneth Gex Reesman and  
              Maola Milk & Ice Cream Company  
              Criminal No.: 93-7-01-CR-7BR (E.D.N.C.)

Four-count indictment was filed in U.S. District Court in Wilmington, North Carolina, charging Kenneth Gex Reesman and Maola Milk and Ice Cream Company, both of New Bern, North Carolina, with one count of rigging bids, in violation of Section 1 of the Sherman Act, on contracts to supply dairy products to various North Carolina public schools and three counts of committing mail fraud, 18 U.S.C. § 1341, in connection with the rigged bids.

2/11/93      U.S. v. Texas Commerce Bancshares, Inc. and Texas  
              Commerce Bank-Midland, N.A.  
              Civil No.: 3-93CVO294-G (N.D. Tex.)

A civil complaint was filed in U.S. District Court in the Northern District of Texas, challenging the proposed acquisition of New First City Bank-Midland N.A. by Texas Commerce Bank-Midland N.A. (TCB), a subsidiary of Texas Commerce Bancshares Inc. of Houston, Texas which is a subsidiary of Chemical Banking Corp., New York City. At the same time, a proposed consent decree was filed which, if approved by the court, will resolve the suit. New First City-Midland is one of the 20 bridge banks sold by the Federal Deposit Insurance Corporation last month. The complaint alleged that the proposed acquisition would violate Section 7 of the Clayton Act by substantially lessening competition in business banking services, including business transaction accounts and commercial

operating loans to small and medium-size business customers in Midland. The proposed consent decree provides for TCB to divest the New First City Bank-Midland and all assets and deposits of that bank, except for the trust business and, unless necessary to assure the divestiture purchaser is a viable competitor, its indirect consumer loans. TCB is the third largest commercial bank in Midland, and operates approximately 110 offices through 16 separate national or state banks in Texas, which among them hold more than \$17 billion in assets and more than \$13 billion in deposits. New First City-Midland is the second largest bank in Midland. Between them, TCB and New First City-Midland hold more than 35 percent of commercial bank deposits in Midland.

2/11/93     U.S. v. Preston Dairy, Inc.  
Criminal No.: CR 93-030A (W.D. Okla.)

U.S. v. Preston Dairy, Inc.  
Criminal No.: 3-93CR-046-R (N.D. Tex.)

Two one-count informations were filed in U.S. District Courts in Oklahoma City, Oklahoma and Dallas, Texas, charging Preston Dairy, Inc. of Burkburnett, Texas, with rigging bids, in violation of Section 1 of the Sherman Act, on contracts for the sale of fluid milk to public schools and other public entities in Oklahoma and public school districts in north central Texas.

2/11/93     U.S. v. Borden, Inc.  
Criminal No.: 3-93CR-047-X (N.D. Tex.)

Five-count information was filed in U.S. District Court in Dallas, Texas, charging Borden, Inc. of Columbus, Ohio, with rigging bids, in violation of Section 1 of the Sherman Act, on contracts for the sale of fluid milk in several areas of Texas to certain public school districts, public hospitals, Reese Air Force Base and Texas Tech University.

Copies of legal filings are available from the Legal Procedure Unit, Antitrust Division, Room 3233, Telephone No.: 514-2481.